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Dated: April 11, 2005

Signature:



(Lisa J. Michaud)

Docket No.: 022762-0015  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Christy Cummins et al.

Application No.: 10/519,778

Confirmation No.: Not Yet Assigned

Filed: December 29, 2004

Art Unit: N/A

For: SURGICAL STAPLING DEVICE

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Copies of the U.S. references on the PTO/SB/08 are not provided. Copies of the foreign references on the PTO/SB/08 are enclosed herewith.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

No fee is believed due. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 022762-0015.

Dated: April 11, 2005

Respectfully submitted,

By   
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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	10/519,778
				Filing Date	December 29, 2004
				First Named Inventor	Christy Cummins
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	022762-0015

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
AA	US-20030109890-A1	06-12-2003	Kanner et al.		
AB	US-20040254591-A1	12-16-2004	Kanner et al.		
AC	US-5,108,421	04-28-1992	Fowler		
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AV	US-6,090,130	07-18-2000	Nash et al.		
AW	US-6,048,358	04-11-2000	Barak		
AX	US-6,004,341	12-21-1999	Zhu et al.		
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AM1	US-4,789,090	12-06-1988	Blake, III		
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AT1	US-5,431,639	07-11-1995	Shaw		

Examiner Signature	Date Considered
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PTO/SB/08a/b (08-03)

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<p>Substitute for form 1449A/B/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(Use as many sheets as necessary)</p>				<b>Complete if Known</b>	
				Application Number	10/519,778
				Filing Date	December 29, 2004
				First Named Inventor	Christy Cummins
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	022762-0015

AU1	US-5,470,010	11-28-1995	Rothfuss et al.	
AV1	US-5,527,322	06-18-1996	Klein et al.	
AW1	US-5,536,251	07-16-1996	Evard et al.	
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AD2	US-6,007,563	12-28-1999	Nash et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
BA	EP-0 534 696		03-31-1993	Erlebacher, Jay	
BB	EP-0386361		09-12-1990	Failla et al.	
BC	EP-0756851		02-05-1997	Virnich et al.	
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BK	WO-00/56227		09-28-2000	Loshakove	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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